

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, February 5, 2002, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Absent

Starr
Reece
Wright
Chamberlain
Waller
Pennington
Storrs
Kramer
Littman (7:35)

Also Present:

Mark Miller, Planning Director
Susan Lancaster, Assistant City Attorney
Jordan Keoleian, Student Representative

2. MINUTES

Moved by: Reese

Seconded by: Starr

RESOLVED to approve the January 8, 2002 Planning Commission Regular Meeting Minutes as corrected.

Yea:

All Present (8)

Abstain

Absent

Littman

MOTION APPROVED

STUDY ITEMS

3. CURRENT DEVELOPMENT REPORT

Mr. Miller stated that the most important item was a meeting with Troy Baptist, the Robertson Brothers, and Andrew Milia. City Manager requested that the City Planning consultant, Carlisle Wortman Associates, Inc., review the PUD. Mr. Richard Carlisle prepared a report and recommendation for the PUD proposal and the report was presented to the petitioner, which recommended denial of the PUD. Troy Baptist will continue with their request for the PUD. Mr. Miller stated that Troy Baptist really wants City Management to tell them how they can get the PUD approved. City Staff is going to send a separate PUD green memo to City Council. City Council could provide comments regarding the PUD request. The public hearing for the PUD is scheduled for next Tuesday's, February 12, 2002 Planning Commission agenda and it appears that their presentation will be quite lengthy.

Mr. Storrs asked what is a green memo. Will that address the office within the proposed PUD in relation to the Future Land Use Plan along Rochester Road.

Mr. Miller stated that a green memo is a City Council information agenda item. This memo will address the office issue. Mr. Miller stated that Troy Baptist might be willing to get rid of that office building.

Mr. Reece asked if the office is on its way out completely. City Council needs to know the whole story of the PUD.

Mr. Miller asked if the City Council wants to totally change our Zoning Ordinance to obtain the end result of the proposed PUD.

Mr. Chamberlain asked Mr. Miller what does that mean and regarding which subjects.

Mr. Miller stated the PUD does not meet Troy's setbacks, roads widths and distance between buildings.

Mr. Kramer asked what's the density of the PUD.

Mr. Miller stated another major issue is the wetlands and its acreage to determine density and is it out of character for the location. The Church wants the ownership of the wetlands area, so it really wouldn't be a part of the residential condominiums.

Mr. Wright stated that would avoid property taxes.

Mr. Miller stated Robertson Brothers may withdraw their PUD request; however, the public hearing is scheduled. Mr. Miller added that the applicant wants City Council to tell them the residential product is acceptable.

Mr. Waller stated it looks like there will be a Consent Judgment.

Mr. Miller stated he didn't think the developer wanted to use a Consent Judgment. But we will just have to wait and see what happens.

Mr. Chamberlain stated that Doug Smith referred him to the Hospitality Advisors Consultants Group regarding the Troy Civic Center Study and that he spent approximately an hour with the consultants. Up front, his words to them were that he was speaking for the Planning Commission, unless he states they are his own opinions. He noted that this Planning Commission spent a lot of time on the Civic Center. He advised the consultant to put the Conference Center over top of Big Beaver Road. He noted the City needs to do this correctly.

Mr. Chamberlain further stated that the size of the entertainment area is not relevant and that it should be placed in the northwest quadrant on Livernois. He met with Charles Skeltor and Patrick Tinetti. Mr. Chamberlain further stated that he felt the meeting went quite well. He also commented on the Monterey, CA conference center and believes the City of Troy should look at other centers. He also stated that he attends conferences quite often at the Best Western on 15 Mile Road and Van Dyke. It is growing all the time. We are hoping that Troy's Civic Center will be larger. We also need all weather walkways for connections between future and existing buildings.

Mr. Starr asked if the Hospitality Advisors discussed hotels with Mr. Chamberlain.

Mr. Chamberlain answered yes, they recommend a signature hotel.

Mr. Littman commented on the Marriott hotel on Opdyke and that it was a beautiful facility.

Mr. Storrs asked if Pat Tinetti came from the Troy Marriott.

Mr. Keoleian asked when will something happen.

Mr. Chamberlain stated its City Council's call.

Mr. Waller asked about the access road to the parking lot and the Marriott in Troy.

Mr. Chamberlain stated they didn't want it.

Mr. Reece stated it was on the Planning Commission plans and did City Council see them?

Mr. Chamberlain stated that Matt Pryor did see them in April 2001.

Mr. Storrs stated that all of City Council members saw the Planning Commission plans.

4. ORDINANCE REVISION DISCUSSION – ARTICLE XXXIX ENVIRONMENTAL PROVISIONS - 39.10.00 WALLS

Mr. Miller stated that City Management reviewed the request to eliminate trench footings for required walls. Section 39.10.03 requires the walls to be constructed of common face brick, or of poured or pre-cast masonry or decorative block and the designs approved by the Building and Zoning Director. In consultation with both the Building and Engineering Departments, it was determined that it is impossible to prohibit trench footings. In addition, it was found that the use of posts with panels has a number of problems. This type of wall does not preserve additional vegetation areas because heavy equipment is needed for construction. Approximately a 10 feet wide area will be cleared for the panel type similar to a trench footing. The paneled type walls are also not as aesthetically pleasing in many cases as the required walls. If lightweight materials are used, the durability of the panels becomes an issue. City Management will not support the elimination of trench footings for walls because it is an accepted constructed method. City Staff is willing to make a presentation to the Planning Commission regarding footings when their schedule makes them available.

Mr. Miller added that it appears that the real issue is the preservation of natural vegetation areas and storm water drainage. The Planning Commission should focus how preservation of these areas can be achieved as each development seeks approval. Specific conditions could be applied to site plans that incorporate preservation areas of vegetation, when the protection of health, safety and welfare of abutting properties is necessary.

Mr. Chamberlain requested that Dennis Kramer lead the discussion on this issue.

Mr. Kramer stated if your putting a wall through a forest, a bobcat would need access.

Mr. Chamberlain stated that Sandelwood is a prime example of how woods were taken down inappropriately. He also stated that a church in Troy, on Long Lake between Rochester Road and Livernois, the trees are growing right on top of the wall.

Mr. Reece asked about the exact cost of the construction and perhaps a long-reach crane could be used for the holes.

Mr. Wright stated there is approximately a 10 foot area that would have to be cleared for installation of most walls.

Mr. Miller stated that the problem is how the developers clear and cut trees in Troy. If the final Tree Preservation Plan shows the elimination of trees, then it can be done by the developer. That's part of the issue of tree preservation. If someone clears land and encroaches on the adjacent property, it is usually done by some kind of knucklehead who is not paying attention to what he should be doing. It is also very important to know that surveying and field errors do lead to encroachment on neighboring properties.

Mr. Miller stated that Mark Stimac, Building Director, and himself, agree that wall waivers could be handled by the Planning Commission as the Planning Commission is the one that physically approves a site plan. It appears that approval at the Planning Commission level is better than going to the BZA for a wall variance request.

Mr. Chamberlain stated that R-1T areas are a major issue. He stated he would really like to see pylon fences in wooded areas.

Mr. Kramer commented on a way to include a tree survey of outside or on adjacent properties.

Mr. Miller stated that surveyors have the legal right to enter neighboring properties during a boundary survey.

Ms. Lancaster stated that the Planning Commission should make a list of all the ideas open for discussion and bring them to Steve Vandette, City Engineering, and allow him to address the Planning Commission's concerns.

Mr. Kramer stated the Planning Commission doesn't want to engineer each site.

Mr. Reece stated that forest land in Washington state utilizes helicopters during construction.

Mr. Storrs stated his concern of matching grades.

Mr. Miller stated that many of the concerns could be resolved by staff and I think we could provide conditions for improvements.

Mr. Chamberlain stated he didn't trust City Staff. We have had site plans changed when we have specifically stated we don't want it that way. We need to have walls and fences and this way the seller knows exactly what he's looking at.

Mr. Waller stated that the boundary and tree surveys should include neighboring properties. It would be helpful if City Staff came to a study session when we talk about these issues, then they can understand each others position. We need to do this at our next meeting.

Mr. Chamberlain stated that City Staff should be available for the next study session.

5. ORDINANCE REVISION DISCUSSION – STORMWATER DETENTION/DEVELOPMENT STANDARDS

Mr. Miller stated detention basins are regulated by the City's Development Standards. These standards are basically engineering requirements. The Engineering Department is responsible for preparation and administration of the Development Standards. Clearly, the Planning Commission has no statutory authority in revising the Development Standards. However, the Engineering Department was consulted in this matter and it is their opinion that the current detention basin standards are appropriate.

Mr. Miller stated that discussions were held with City Staff and City Management regarding revisions to City Development Standards and City Management clearly said that it is not within the Planning Commission's authority to amend the standards. These are Engineering standards that are approved by City Council. City Staff is willing to discuss these issues with the Planning Commission.

Mr. Storrs commented that 1 on 6 slope is required for certain situations in the Zoning Ordinance.

Mr. Miller stated that the Zoning Ordinance requires 1 on 6 slope for certain situations.

Mr. Storrs stated that the problem with the fence requirement is maintenance is a headache.

Mr. Starr stated a person can climb out a detention basis with a 1 on 6 slope but cannot climb out with a 1 on 4 slope. When the Site Plan is being laid out and you take up too much of the property with a 1 on 6 basin, it means you need to take up more of your space. It's just a matter of good site planning to provide for the detention basins.

Ms. Lancaster stated that any questions the Planning Commission has in regards to Development Standards should be brought forward to the City Engineer. If it's feasible for the City Engineer to permit alternative detention basins, you can request it. The Planning Commission can ask the City Engineer to look at these standards.

Mr. Waller stated that one thing is certain, and that is a lack of information. We don't want to fight with the Engineering Department. Site Plans are reviewed internally, however, the Planning Commission never sees the other departments' comments. We need to bring in the Engineering Department and discuss these issues.

Ms. Lancaster asked if there has been a history of Engineering questions.

Mr. Waller replied that it seems like a history of information management.

Ms. Lancaster asked what items the Planning Commission wants addressed.

Mr. Chamberlain answered stormwater problems, walls, and detention basins. These are the items that need to be coordinated.

Mr. Reece stated that when site plans come in, it is stated that no stormwater will spill over to adjacent properties. The Planning Commission feels there are problems related to stormwater management.

Mr. Storrs stated that Ms. Lancaster is correct. The Planning Commission does not set engineering standards. Ultimately, City Council decides about fencing and detention basins.

Mr. Chamberlain stated that the Planning Commission understands their role, however, the Planning Commission is a recommending body. The concern is 1 on 4 versus 1 on 6 slope and it's time to change the standard.

Mr. Storrs commented on at least getting the issue in front of City Council.

Mr. Chamberlain stated that he, as a citizen, has the authority to petition City Council for anything.

Ms. Lancaster stated you have the right to ask the City Engineer why we have that standard.

Mr. Chamberlain stated there are two sides to this. Clearly, it's a waste of everybody's time because we don't buy into his detention pond size or where it's built. There should be a change to this development standard. There is so much

of this type of action reoccurring and it's time to make some changes. Fenced detention ponds are flat out ugly.

Mr. Miller agreed that chain link fences are ugly, however, he stated that the complaint that the Planning Commission will get is that the 1 on 6 sloped detention basins cost more than 1 on 4 basins to build.

6. ORDINANCE REVISION DISCUSSION - OFFICE HEIGHT REQUIREMENT
WITHIN THE O-M OFFICE MID-RISE DISTRICT

Mr. Storrs stated that the following Schedule note is clear as written. The following is note (S):

“31.30.00 Schedule Notes:

(S) Buildings may be constructed to maximum height of five (5) stories or seventy-five (75) feet, provided that in addition to the minimum yard setback of thirty (30) feet a minimum additional wall setback of twenty feet is provided starting at the four (4) story level and provided further that for each additional foot of building height above thirty (30) feet said wall shall be set back an additional distance, as follows:

1. One and one-half (1-1/2) feet per foot of height in those yards abutting residentially zoned areas.
2. One (1) foot per foot of height in those yards abutting non-residentially zoned areas and thoroughfares.

The required yard setback may be reduced one-half for those yards abutting a limited access freeway right-of-way.”

Enclosed with the agenda package is a graphic drawing indicating how the regulation determines building height.

Mr. Miller stated that it was clear that between Mark Stimac and himself they could, to some extent, clear up the language.

7. ORDINANCE REVISION DISCUSSION – ARCHITECTURAL FEATURES

Mr. Miller stated that Mr. Storrs felt that Architectural features should be defined in the context of projections into yards. The following is the existing standard:

“41.50.00 PROJECTIONS INTO YARDS:

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.”

Mr. Storrs suggested that a definition of an architectural feature be provided in the Zoning Ordinance. The following is Mr. Storrs suggestion:

ARCHITECTURAL FEATURE

An exterior feature of a building whose sole purpose and function is to improve visual attractiveness and that extends less than three feet from the building line.

Mr. Miller stated that he and Mark Stimac agree that architectural features need to be clarified. That the language needs to be changed.

Mr. Storrs stated that he agreed the language could be defined.

8. DISCUSSION OF THIRD MONTHLY PLANNING COMMISSION MEETING

Mr. Miller stated, as you are aware the Planning Commission scheduled a second special/study meeting for each month. City Management would like to inform the Planning Commission of the implications of the third monthly meeting. First, there is a fiscal impact. The current budget is approved for two monthly meetings and an occasional third meeting. Second, the third meeting impacts staff resources. An additional agenda requires increased workload for the Planning Department. It does not appear that a third monthly meeting is necessary considering the Planning Commission's core responsibilities of site plan approval, special use approval, rezoning recommendations, subdivision recommendations, road vacation recommendations and future land use planning. If a third monthly meeting is justified by the Planning Commission, City Management requests that it be held during normal City Hall business hours to reduce the impact on City Staff and departmental budgets. It is the goal of City Management to provide the Planning Commission professional community planning and legal expertise at every Planning Commission meeting. It also is the goal of City Management to fund and staff justified Planning Commission meetings.

Mr. Littman stated that in the past, the Planning Commission held three meetings per month all the time.

Mr. Miller stated there are enough funds available for two meetings per month.

Mr. Reece stated that the Planning Commission has held three meetings per month in the past, why not now.

Mr. Waller stated if it is budget considerations, we need to look at the budget. We've decided that the work is the need to look at the numbers.

Mr. Starr stated it's something of a trade-off considering the Natural Features Map, and the Future Land Use Plan. It took us a number of meetings to get there.

Mr. Kramer stated there is a push to get things completed and we should petition that the budget be extended for 18 months.

Mr. Chamberlain stated that the third meeting will probably not be held in the summer. As far as our budget is concerned, it is lost in the change somewhere. These are just excuses to keep us from meeting. I don't see it necessary for us to justify to City Staff why we need a third meeting; however, we may need to justify to City Council. At our next study meeting at the end of this month, we are going to prioritize. If City Council doesn't want us working on it, we won't work on it. If City Staff doesn't want us to work on it, we will just continue. I don't understand why we are getting vibrations from City Staff on why we need three meetings.

9. SPECIAL USE APPROVAL STUDY – O-1, O-M, O-S-C, P-1, E-P

O-1 LOW RISE OFFICE DISTRICT

Mr. Starr asked about 24.30.05 if we really have any say in them.

Mr. Chamberlain asked if we want to keep free-standing towers, structures, and antennas as is. He also stated child care centers are all Special Use.

Mr. Wright commented on ambulance facilities.

Ms. Pennington stated that ambulance facilities causes problems next to residential. Vehicles are left running, and the sirens are constantly going off.

Mr. Miller commented that ambulance facilities seem more like an industrial use. He also commented on service clubs, stating they are subject to special conditions in the O-M district.

Mr. Chamberlain commented on 24.30.30, Private Service Clubs, and why not just remove them.

Mr. Wright stated we need to keep them in Special Use.

O-M MID RISE OFFICE DISTRICT

Mr. Reece commented on 25.30.02, hotels and motels.

Mr. Miller stated that there are extra conditions for hotels and motels.

Mr. Waller commented on 25.30.03 and asked if we allow restaurants and hotels in O-M.

Mr. Miller replied yes, if certain conditions are met.

No changes in O-M. District was the Planning Commission's consensus.

O-S-C HIGH RISE OFFICE DISTRICT

No changes

R-C RESEARCH CENTER DISTRICT

Mr. Waller asked if there is a definition for Applied Research Assembly.

Mr. Chamberlain stated we need to look at this more closely.

M-1 LIGHT INDUSTRIAL

Mr. Kramer commented on 28.30.02 and the eyesores they create.

Mr. Waller stated there should be no Special Uses in this district.

Mr. Starr commented on greenhouse facilities.

Mr. Waller stated delete all of the special uses.

Mr. Starr stated take out 28.30.09.

Ms. Lancaster agreed with taking out 28.30.09.

Mr. Littman stated remove them all, except canning factories.

Mr. Wright stated take out 28.30.09.

Ms. Pennington stated take them all out.

Mr. Reece stated you need to have some control.

Mr. Storrs stated take them all out.

Ms. Lancaster stated you need to consider keeping them in under Special Use to maintain some control over them. We can always set down some conditions on them.

Mr. Chamberlain stated we should eliminate 28.30.08 (commercial kennels), 28.30.07 (auto repair), and 28.30.05 (new car sales agencies). 28.30.02 and 28.30.04 (mini-warehouse, etc.), 28.30.04 (storage facilities for:) and 28.30.02 (canning) should be kept.

P-1 VEHICULAR PARKING DISTRICT

None.

E-P DISTRICT

The Planning Commission voted on keeping the E-P District in Special Use: The vote was 5 in favor, 4 against.

10. PUBLIC COMMENTS

Mr. Bob Schultz, 883 Kirts, stated the Planning Commission should look at all the sound walls. Most fences are post and paneled. In addition, adjacent properties should be reviewed prior to construction of a wall.

FOR THE GOOD OF THE ORDER

Ms. Lancaster commented the Rabani case is scheduled for March 15, 2002.

Mr. Storrs commented on coordinating Transportation Plan with SEMCOG.

Mr. Miller stated he had been in touch with SEMCOG.

Mr. Chamberlain commented on the letter he sent to City Staff requesting the City

abide by its own ordinance requirements. He stated that he got a reply back from City Staff within two days, but that they really missed the point. The whole point is whether the City is going to meet their obligations. The point is that they didn't even address the issues.

Mr. Chamberlain also commented on the City Staff sending out a lot of bad vibrations regarding the Planning Commission holding a third monthly meeting. He stated that the third meeting will be held.

Mr. Chamberlain further stated that the Planning Commission spends an inordinate amount of time for the City and doesn't see the City Staff with any reciprocity. The Planning Commission is not buying into the rationale why City Staff believes we do not need a third meeting. We will have three.

10. Meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director